

HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 367

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO PUBLIC RECORDS; LIMITING THE DISTRIBUTION OF
PRINTED PUBLIC RECORDS; REQUIRING THE STATE COMMISSION OF
PUBLIC RECORDS TO ADOPT REGULATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 2-3-14.1 NMSA 1978 (being Laws 1985,
Chapter 19, Section 1) is amended to read:

"2-3-14.1. STATE AGENCIES--REPORTS.--

A. No state agency shall submit or send to the
members of the legislature any material, other than proposed
legislation, in excess of five pages, unless the material is in
electronic form or is specifically requested by a member to be
in printed form, nor shall the material be published by
printing for distribution.

B. Nothing in this section shall limit the response

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underscored material = new
[bracketed material] = delete

1 of any agency to a direct request of a legislator or group of
2 legislators ~~[nor]~~ or the submission of the executive budget.

3 C. All reports to the legislature by a state agency
4 shall be filed in duplicate with the legislative council
5 service, and such reports shall not be subject to the page
6 limitations of this section. The legislative council service
7 shall compile a list of the reports submitted prior to each
8 regular legislative session since the beginning of the previous
9 regular session, listing the title and agency ~~[and]~~. The
10 legislative council service shall distribute the list ~~[among~~
11 ~~the]~~ to legislators during the first week of the session.

12 D. Any legislator may request any report, including
13 those listed pursuant to Subsection C of this section. Upon
14 such a request, the state agency shall furnish the report to
15 the legislator, in electronic format pursuant to regulations of
16 the state commission of public records if approved by the
17 requesting legislator.

18 E. Compliance by a state agency with Subsection C
19 of this section shall fulfill any requirement of a state agency
20 to report to the legislature, unless the requirement is
21 specifically exempted from the requirements of this section.

22 F. No state agency shall submit material bound
23 other than by staples unless the bulk or other qualities of the
24 material require other bindings; provided that, in all cases,
25 the most economical method of binding and packaging shall be

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1 used.

2 G. For the purposes of this section, "state agency"
3 means any agency, division or instrumentality of the state but
4 does not include political subdivisions and educational
5 institutions or any of the legislature's [~~divisions~~] divisions,
6 instrumentalities or committees."

7 Section 2. Section 14-3-4 NMSA 1978 (being Laws 1959,
8 Chapter 245, Section 4) is amended to read:

9 "14-3-4. DUTIES AND POWERS OF COMMISSION.--It shall be
10 the duty of the commission to:

11 A. employ as state records administrator a
12 competent, experienced person professionally trained as an
13 archivist and records manager who shall serve at the pleasure
14 of the commission. [~~He~~] The administrator need not be a
15 resident of New Mexico at the time of [~~his~~] employment. [~~His~~]
16 The administrator's salary shall be fixed by the commission;

17 B. approve the biennial budget covering costs of
18 the operations set forth in [~~this~~] the Public Records Act, as
19 prepared by the administrator for presentation to the state
20 legislature;

21 C. decide, by majority vote, any disagreements
22 between the administrator and any state officer regarding the
23 disposition of records within the custody of [~~said~~] the
24 officer, such decisions to have the effect of law;

25 D. consider the recommendations of the

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1 administrator for the destruction of specifically reported
2 records and by unanimous vote either order or forbid such
3 destruction;

4 E. approve in writing, or reject, the written terms
5 and conditions of each proposed loan of documentary material to
6 the records center, as agreed upon by the lender and the
7 administrator;

8 F. adopt and publish rules [~~and regulations~~] to
9 carry out the purposes of the Public Records Act;

10 G. request any agency to designate a records
11 liaison officer to cooperate with, assist and advise the
12 administrator in the performance of [~~his~~] the administrator's
13 duties and to provide such other assistance and data as will
14 enable the commission and administrator properly to carry out
15 the purposes of the Public Records Act; and

16 H. prepare an annual report to the governor on the
17 operations conducted under the terms of [~~this~~] the Public
18 Records Act during the previous year, including a complete
19 fiscal report on costs and effected savings, and cause [~~same~~]
20 the report to be published."

21 Section 3. Section 14-3-22 NMSA 1978 (being Laws 1977,
22 Chapter 209, Section 1, as amended) is amended to read:

23 "14-3-22. PUBLIC POLICY ON CERTAIN PUBLICATIONS--STATE
24 COMMISSION OF PUBLIC RECORDS DUTIES.--

25 A. It is the intent of the legislature and the

1 public policy of this state to reduce unnecessary expense to
2 the taxpayers of this state in connection with publications of
3 state agencies designed primarily for the purpose of reporting
4 to or the informing of the governor, the legislature, other
5 state agencies or the political subdivisions of this state.

6 B. The state commission of public records shall
7 develop and adopt [~~regulations which~~] rules that shall be
8 binding upon all state agencies. The [~~regulations~~] rules shall
9 provide for uniform standards for those publications set forth
10 in Subsection A of this section and shall include [~~but be not~~
11 ~~limited to:~~

12 (1) ~~a standard size format to accommodate~~
13 ~~paper of the most economical type available;~~

14 (2) ~~prohibiting the use of expensive covers,~~
15 ~~binders and fasteners;~~

16 (3) ~~prohibiting the use of photographs, art~~
17 ~~work and design, unless absolutely necessary for clarification~~
18 ~~of the report;~~

19 (4) ~~limiting the use of color stock paper,~~
20 ~~where such color stock would be more expensive than the use of~~
21 ~~white paper; and~~

22 (5) ~~requiring offset or mimeograph or other~~
23 ~~means of duplication when it cannot be demonstrated that~~
24 ~~printing of such publication would be equal to or less than the~~
25 ~~cost of offset, mimeograph or other means of duplication]~~

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1 provisions for publications in electronic format to minimize
2 the printing of paper publications and reports except as
3 otherwise required by law pursuant to Section 2-3-14.1 NMSA
4 1978 and Chapter 12, Article 1 NMSA 1978 and to make electronic
5 publications available through the internet.

6 C. The state commission of public records shall
7 maintain constant and continuing supervision of such
8 publications by state agencies and shall report persistent
9 violations of the [~~regulations~~] rules made pursuant to this
10 [~~act~~] section to the secretary of general services and the
11 legislature."

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